

TRAILS MAINTENANCE PROTOCOL
For Heritage Compliance
Los Padres N.F.
March 2006

Introduction

Trails maintenance is considered a screened exemption under the Programmatic Agreement among the Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation (PA).

Screened exemptions are undertakings for which the Heritage Program Manager (HRM) has the responsibility to determine whether the undertaking is considered exempt from all heritage review. The PA states “If the HRM determines that an undertaking has an effect, will continue an on-going effect, or may affect historic properties, the undertaking shall not be considered exempt...”. The Los Padres has a high archaeological site density (over 2750 recorded sites and less than 8% of the forest surveyed) and many of the roads and trails are located along prehistoric trails or roadways, and consequently along and through archaeological sites. This constitutes an effect under the law, and therefore roads and trails on this forest are not considered exempt from heritage review.

However, there are certain kinds of maintenance activities that can be conducted with a facilitated heritage review. In fact, once the forest has the archaeological surveys of all roads and trails completed and therefore appropriate information about potentially affected heritage resources, all maintenance activities that do not directly affect a site can have a facilitated review. Reporting requirements for participation in the PA and for the Department of Interior require that the heritage department track and report on maintenance activities because of their potential to have an effect.

Trail Maintenance Activities

All requests for heritage review are initiated by an attachment A in which the specific activities for maintenance are described and for which the project location is delineated on a 7.5' topographic quadrangle, and specific work locations if applicable.

1. Light Trail Maintenance – defined as no disturbance to the original ground surface
 - Consists of activities such as slide and slough removal, clearing and grubbing, brushing and logging out, and clearing of water bars. These work items occur within the established trail way as defined in the trail guide (Clearing Limits found in Section 911.08 in EM-7720-102).
 - Can be performed along all sections of trails as long as the undertaking does not result in any new ground disturbance outside the established trail way.

- Slough, berm and slide material removed from the trail way can be used as fill for gully and rill repair in the trail bed.
 - Archaeologists will submit a map to recreation identifying areas to be avoided on the trail if any are needed.
2. Tread Maintenance – defined as the reestablishment of the trail way as described in (Earthwork, Section 910 and 911.08 in EM-77-102)
- Can only be carried out in areas that have been surveyed and where no documented cultural resources are present.
 - Work to consist of ground disturbing activities, such as the construction and repair of new water bars and trail bed repair (referred to as Excavation and Embankment Section 912 in EM-7720-102). This work might include repair to switchbacks, shallow creek fords, rock retaining walls, filling gullies and rills in the trail bed with minimal barrow from the trail way. Embankment work may consist of extending the trail way into the in slope where necessary to achieve a full bench trail bed.
 - Trail crews shall limit moderate ground disturbing activity to the area defined as the trail way and within the agreed upon in Clearing Limits. Trail reroutes would not be permitted under this category.
 - The boundaries of all cultural resources along the trail where the trail crew is working should be flagged, buffered, and avoided. Work crews would be provided with GPS data and/or topographic maps with flag and avoid site locations.
3. Trail Reconstruction – defined as reconstructing the trail way (as described in Section 915, EM-7720-102).
- Consists of cutting a new trail bed or operating outside the trail way or agreed upon Clearing Limits. This work might include repairing deep gullies and ruts in the trail bed that require barrow and fill from outside the trail way in large quantities, the construction of sections of new trail necessary to reroute the trail where damage has eliminated the original trail way. Additional work might include repairing stream and river fords where the high water mark has removed the original trail way, and the construction of new water control measures (waterbars and rolling dips).
 - The section of trail that is being subjected to reconstruction needs to be recently surveyed by an archaeologist, cleared, and in some cases monitored by an archaeologist.

Trail Work in Culturally Sensitive Areas

Trail work that requires ground disturbance within a cultural context will not be covered under the PA and will be required to go through SHPO consultation. This does not necessarily mean that significantly more information will need to be collected, or that a site will need to undergo an evaluation, but that the law requires that we disclose effects

and consult with SHPO on the nature of the effects. We will work to avoid or minimize adverse effects, but sometime they cannot be avoided. SHPO has 30 days from the date they receive a report to make comment to the agency. Lack of a reply is interpreted as concurrence.

Failure to consult with SHPO when there is an effect on a site is considered a foreclosure (foreclosing on SHPO's ability to comment, or make changes that will prevent adverse effects), and is comparable to a "taking" in the biological world. Foreclosures generally mean more work (and black marks, or lack of trust) with SHPO than what it takes to address the issue prior to the work.

Having an effect on a site where the site was not observable prior to the work (as in a buried site) is called an inadvertent effect. This needs to be reported to SHPO through the Heritage staff immediately upon discovery. Consultation then begins between the agency and SHPO to agree on a mutually acceptable course of action regarding the site. This consultation is limited to 10 days. The agency is then required to submit a report describing the undertaking and the circumstances surrounding the effects.

Tribal Consultation

Tribal consultation is required. The intent is to protect not only the sites themselves, but other cultural values such as resource collection areas or other areas of importance about which our Native American constituency will inform us, generally through the Tribal Liaison. It is therefore imperative that requests for heritage work be made sufficiently in advance that a determination can be made regarding the presence of archaeological sites as well as other cultural values to be protected.

Consultation has been conducted with the Tribe on the issue of trail maintenance. They want to be informed at least twice a year on which trails are planned for maintenance and on which trails the work as been accomplished, in addition to protection measures and findings.